

**Special Restriction**  
***Over Snow Travel Order***  
**USDA - FOREST SERVICE**  
**BLACK HILLS NATIONAL FOREST**

Pursuant to 16 United States Code (USC) Section 551, and 36 Code of Federal Regulations (CFR) section 261.50 (a), the following acts are prohibited within the Black Hills National Forest, as shown on the attached map hereby incorporated into this Order as Appendix "A" (the Restricted Area). This order will be in effect yearlong until rescinded.

- (1) Going into or being upon the Restricted Area while operating or possessing an motorized vehicle designed for over-snow operation (including but not limited to: traditional snowmobile, snowcat, and ATV/UTV modified with tracks so they can be used for over-snow operation) 36CFR261.53(b).

Pursuant to 36CFR261.50(e), the following are EXEMPT from the order:

- (1) Any Federal, State or local officer, or member of an organized rescue or fire fighting force when in the performance of an official duty.
- (2) Any person or organization with a Forest Service permit specifically authorizing the otherwise prohibited act or omission

Done at Custer, South Dakota, this 9th day of April, 2012.

**CRAIG BOBZIEN**  
Forest Supervisor

Violations of this prohibition are punishable by imprisonment for not more than six (6) months, a fine of not more than \$5,000 or both. *Title 16, United States Code, Section 551, Title 18, United States Code, Section 3571.*

### Management Objectives

This order will minimize stress to wintering wildlife by not allowing motorized over snow vehicles into this wildlife winter range area (MA 5.4). The Black Hills NF Travel Management Order only addresses wheeled motorized vehicles.

## SUBPART B

### ORDER REQUEST JUSTIFICATION FORM

ORDER NUMBER: BKF-2012-114

#### SUBMIT THE FOLLOWING INFORMATION:

1. **STATE THE DESIRED ACT:** Prohibit over snow motorized vehicles in this wildlife winter range area. This area was recently acquired by the Black Hills National Forest, Hell Canyon District. Wildlife habitat and non-motorized recreation will be emphasized in this area.
2. **REASON FOR THE ORDER:** Until recently, this 2,400 acre parcel was in private ownership with restricted access until becoming public (NFS) land. Wildlife has used this property for winter forage and security cover with little to no human disturbance. Occasionally, winter and early spring storms provide snow in depths sufficient for snowmobiles or other motorized vehicle designed or modified for over-snow use. This order will allow this parcel to continue providing a place of winter solitude for wildlife (esp. big game) from all motorized vehicle harassment. Survival through the winter months is often difficult and all animals would benefit from this reduced potential for human harassment (stress) so they can better conserve energy and reduce chances for starvation. The MVUM covers all other motorized vehicles but does not address the occasional opportunity for motorized access via traditional snowmobiles, or other vehicles modified with tracks to be used as over-snow vehicles.
3. **HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? (Y) (N)**
  - **DESCRIBE:** This order is the most effective way to enforce possible wildlife stress and displacement that are associated with over-snow motorized vehicles in this particular area that is within Management Area 5.4- Big Game Winter Range.
4. **PERIOD OF TIME THE ORDER WILL BE IN EFFECT:** Jan 1<sup>st</sup> to December 31<sup>st</sup> (yearlong).
5. **LIST THOSE EXEMPT FROM THE ORDER:**

Any Federal, State or local officer, or member of an organized rescue or fire fighting force when in the performance of an official duty.

Any person or organization with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.
6. **HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? (Y).**
  - **WHO WILL ENFORCE THE ORDER?** LEO's and FPO's and State Conservation Officers.
  - **WHO WILL ENSURE PROPER SIGNING?** District Wildlife Biologist and Recreation Specialist.
7. **WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? (Y) .**
8. **HAS THE PUBLIC BEEN NOTIFIED? (Y)**
  - **DESCRIBE HOW:** Posted on the ground and identified in maps each year.

9. COMPLETE THE ORDER USING THIS CHECKLIST.

When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

<b><i>Recommended: /s/ Bradley Phillips</i></b> Hell Canyon District Wildlife Biologist (Bradley Phillips)	<b><i><u>11/28/2011</u></i></b> Date
<b><i>Reviewed: /s/ Lynn Kolund</i></b> District Ranger, Hell Canyon (Lynn Kolund)	<b><i><u>03/15/2012</u></i></b> Date
<b><i>Reviewed: /s/ Eric Nelson</i></b> South Zone Law Enforcement Officer (Eric Nelson)	<b><i><u>03/19/2012</u></i></b> Date
<b><i>Reviewed: /s/ Nancy Martinz</i></b> North Zone Patrol Captain (Nancy Martinz)	<b><i><u>03/27/2012</u></i></b> Date
<b><i>Reviewed: /s/ Thomas Japhet</i></b> Office of General Counsel (Thomas Japhet)	<b><i><u>3/26/2012</u></i></b> Date
<b><i>Reviewed: /s/ Beth Doten</i></b> Public Information Officer (Beth Doten)	<b><i><u>3/27/ 2012</u></i></b> Date
<b><i>Reviewed: /s/ Rich Hudson</i></b> Forest Staff Officer (Rick Hudson)	<b><i><u>3/28/2012</u></i></b> Date